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MEMOIR

OF THE LATE

HON. DANIEL P. COOK:

READ BEFORE THE

Chicago Historical Society,

JUNE 9, 1857,

By WILLIAM H. BROWN, Esq.,

PRESIDENT OF SAID SOCIETY.

PUBLISHED BY VOTE OF THE SOCIETY.

CHICAGO:
CRIPPS, BROSS & SPEARS, BOOK AND JOB PRINTERS,
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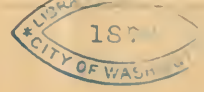

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To the Members of the Chicago Historical Society:

At your request, I have prepared a brief memoir of the late Hon. Daniel P. Cook, our second representative in Congress from this State, and in honor of whom, the County of Cook was appropriately named. I have undertaken the task the more readily, because I deem it desirable and important to preserve our early statistics, and some facts of history in connection with this gentleman—and because I take pleasure in perpetuating the memory of one of my first and constant friends, and vindicating his character from some of the aspersions cast upon it in times of high political excitement. Though confessedly a labor of friendship, it is believed that no partial coloring has impaired the truthfulness of the picture—and certainly no attempt is made to underrate the character or talents of Mr. Cook's competitors to enhance his merits or exalt his virtues.

An interval of thirty years is a potent anodyne. It gives time for many "second sober thoughts," and clears the vision of prejudice and passion. It obliterates the rough and angular points of character, and brings out the milder virtues of your adversary. Gradually and imperceptibly his failings and foibles are forgotten, and memory dwells only on what was lovely and of "good report."

Mr. Cook was born of very respectable parentage, in the County of Scott, in the State of Kentucky, about the year 1794. In his early youth, he enjoyed only such means of education as were afforded by the common schools of his native State. If he studied the classics at all, it must have been in the later years of his life, and after he had entered upon its arduous duties. It is, however, certain he pursued no collegiate course.

When quite young he was placed by his parents in a mercantile establishment, but continued therein but a short time. This sphere was too limited for his high aspirations; and leaving trade and commerce to minds less ardent than his own, he commenced the study of the law with the late Hon. John Pope, of Kentucky, then in the zenith of his fame, and engaged in a large and lucrative practice.

Mr. Cook came to the Territory of Illinois in the latter part of the year 1815, and established himself in business at Kaskaskia, the seat of the Territorial Government, and the only considerable town in the country, embracing a population of from seven hundred to one thousand inhabitants, two-thirds of whom were native French. He entered successfully into the practice of the law, attending the courts in all the then organized counties* (except those upon the Wabash) and in the lower counties in the Territory of Missouri. The business of the courts at this period was comparatively small, owing to the few inhabitants in the Territory, and the limited business transacted by them. It is probable that few, if any, of the profession, at that day, supported themselves exclusively by their practice. Many were engaged in agricultural pursuits; and others occupied a portion of their time in land speculations.

* These Counties were Bond, Madison, St. Clair, Monroe, Randolph, Jackson, Franklin, Union, Johnson, Pope, Gallatin, White, Edwards, Crawford and Washington.

In the early part of the year 1816, Mr. Cook became a joint owner in the office of the *Illinois Intelligencer*, the only newspaper and printing office in the Territory, and assumed the duties of an Editor. Unfortunately, the files of the paper of that period were not preserved; and no opportunity is now afforded to form an opinion of the manner in which those duties were discharged—but from the known talents and industry of Mr. C. it may be safely assumed that while under his management, the paper took a high rank amongst its cotemporaries, and exerted a healthy influence in the community. With the printing of the Laws and Journals of the Territorial Legislatures, and blanks for the public offices, at prices which would now astonish a practical printer, it is certain the business was lucrative and yielded a competent support to its conductors.

It appears by the record of appointments, that Governor Edwards conferred upon Mr. C. the office of Auditor of Public Accounts, in the month of January of that year. If the office was accepted by him, he could have continued in it but for a short time.

Late in this year, or early in 1817, President Monroe selected Mr. C. as bearer of dispatches to the late John Quincy Adams, then Minister at the English Court, to recall that gentleman, preparatory to his assuming the office of Secretary of State, to which office he had been appointed upon the formation of Mr. Monroe's cabinet. Mr. C. performed that duty, and in due time returned and resumed his practice and other duties.

Shortly after his return, Mr. Cook was appointed a Circuit Judge. His district embraced the counties of Bond, Madison, St. Clair, Randolph and Monroe, containing a large territory of nearly one-third of the present limits of the State. He retained this office but a short time, and could have held but one or two terms of his courts. He acquired, however, an enviable reputation as a Judge, evincing talent,

energy and promptness—and was as popular as a judicial officer, as when pursuing his profession at the Bar.

Upon the organization of the State government, in December, 1818, Mr. C. was elected by the Legislature Attorney General for the new State, which office he held until October in the following year.

The State of Illinois was virtually admitted into the Union in October, 1818, but by a provision in the Constitution, an election for State officers, and for a representative in Congress, was to be held on the third Thursday of September of that year, for the short session, expiring March 3, 1819. Mr. Cook became a candidate, and was opposed by the late Hon. John McLean, then a resident of Shawneetown. It is hardly necessary to say, that during the administration of Mr. Monroe, there was a remarkable political calm throughout the entire country. The great questions, which before had been eagerly and acrimoniously discussed by the people, and had divided the nation into the two great political parties of Democrats and Federalists, had either been decided, or by general consent postponed to an indefinite future. The course pursued by Mr. Monroe gave universal satisfaction, and the people enjoyed, for six or eight years, a political millenium. That quietude and peace, in common with others, was enjoyed by our early settlers. It is not, however, to be forgotten, that early in the territorial history, as well as in the first six years after Illinois became a State, the disturbing question of slavery formed an important element in the politics of that period. There was a strong party in favor of introducing slavery at the election of delegates to the convention which formed the Constitution—but it is as well known that the principles of liberty prevailed, and the whole question was set at rest by the decisive vote of 1824, when this subject was brought directly before the people.

Another element of division in our politics was personal

preferences, or the existence of parties for the advancement of particular individuals or their friends. Thus there were the EDWARDS party and the BOND party, the respective adherents of either, warmly contending and struggling for office and supremacy. The leaders of these parties were GOV. EDWARDS, Judge NATHANIEL POPE and Mr. COOK, professed anti-slavery men (though the two first were slave-holders) on the one side, and GOV. BOND, ELIAS KENT KANE, his Secretary of State, and JOHN MCLEAN on the other. The former, of course, supported Mr. COOK, while the latter naturally fell into Mr. MCLEAN's ranks. This gentleman was a Kentuckian by birth, and a leading member of the Bar, in the south-eastern part of the State. Possessed of fine talents, and an unblemished character, he was at that time, and continued to be until the day of his death, one of the most popular men in the State. He was subsequently speaker of our House of Representatives, and in 1826, was elected a Senator in Congress. He died at an early age, possessing, in a rare degree, the confidence and esteem of all who enjoyed his personal acquaintance.

The election thus held in September, seems not to have excited general interest. The State ticket was a compromise one—composed of Col. BOND, for Governor, from the one side, and Col. PIERRE MENARD, an excellent and worthy French citizen, from the other. The contest was mainly for Congress, and Mr. MCLEAN succeeded by only fourteen majority.

At the special election in the summer of 1819, the same gentlemen were candidates for Congress, and great exertions were made by the candidates themselves, and their respective friends. No election, before or since, caused more feeling and effort. The exciting Missouri question, had, at the previous session, been brought into the halls of Congress, and upon preliminary votes, Mr. MCLEAN had favored the pro-slavery party, and indicated his desire that

the State should be admitted without the proposed restriction. In addition to this, he had been so unfortunate in some of his addresses before the people, as to offend some of the more recent immigrants from the Eastern States, and as a general thing, lost their votes. Mr. Cook was elected by a fair majority. As in former contests, the old question of slavery was prominent. The anti-slavery party rallied around Mr. Cook's standard and insured his success.

In 1820 the contest was renewed. Mr. McLean, satisfied with the efforts of the previous year, and unwilling to risk another defeat, declined to be a candidate. The Hon. E. K. Kane was brought out as Mr. Cook's competitor.

The question of the admission of the State of Missouri as a slave State was still more directly before the people. The old pro-slavery party, represented by Mr. Kane, were against imposing any restriction upon the proposed new State—while the other party were, to some extent, divided. Many, who theretofore had acted, in our local struggles as anti-slavery men, were disposed to leave the question to the decision of those most immediately interested—others, and perhaps the larger portion, looked upon the admission of another slave State as a great evil to be resisted at all hazards. Both candidates, however, were understood to be in favor of the admission of this State with a constitution admitting slavery, Mr. Kane from choice, and Mr. Cook from policy. The contest, therefore, in 1820, was mostly a personal one, depending mainly upon the popularity of the candidates. Mr. Kane was badly defeated, obtaining a majority in only one county in the State. Mr. Cook's majority was two thousand four hundred and eighty two in a vote of less than eight thousand, or nearly two to one in his favor.

On his first entrance into Congress, Mr. C. was placed upon the committee on public lands, the most important to the people he represented. At this period, and before, the

government lands were in market at two dollars per acre, one-fourth in cash, and the residue upon a credit of five years. The comparatively prosperous years immediately before the formation of the State Government, had induced the wildest speculations in the public lands. Every man who could command the sum of $80.00 (the cash payment upon 160 acres, then the smallest subdivision), became a *quasi* land holder, and a debtor to the government. The financial revulsion throughout the country, soon after the close of the war of 1812, reached the west in 1819. Men who had supposed themselves possessed of large wealth, suddenly discovered their error. They had, it is true, an equitable claim to many quarter sections of land, but the claim was valueless, and the land unsaleable; and in addition to this embarrassment, they were largely indebted to the government for the sums remaining unpaid upon their purchases. It may be safely stated, that, from this cause, at least one-half of those who had been considered the men of capital in the country, were reduced from supposed wealth to positive bankruptcy.

To relieve the country from this load of debt, Mr. Cook warmly advocated plans of relief, which resulted in a general law abolishing the credit system, and reducing the price of land to $1.25 per acre.* Former purchasers were permitted to consolidate their entries and relinquish the surplus quarter sections to the government. By the operation of this law, individuals secured, in fee simple, the number of acres of land they had actually paid for, at the rate of $2 per acre, and were released from their liabilities for further payments. Mr. Cook introduced and advocated, at the session of 1820–21, a resolution giving preëmption

* At a subsequent election, Mr Cook, a considerable land owner, under the $2 per acre law, was charged with opposition to the new law. The writer has abundant evidence in his possession to prove the falsity of this charge.

rights to settlers on the public lands. It was the first effort made in this direction, and failed of success. It was, however, the germ of the policy thereafter adopted, and from which our citizens have derived great and incalculable advantages.

Mr. Cook voted in Congress against the admission of Missouri. As he had given the people to understand, during the canvass, that he would favor that measure, his vote excited surprise, and called forth from his opponents unmerited abuse and bitter denunciations. Bribery and corruption, the violation of pledges, deception and double dealing, were rung upon all their various changes, and for the time being, Mr. C. apparently lost his hold upon the confidence and affections of the people.

His reasons for his change of mind were given in his speech in Congress when the bill was before that body, and, inasmuch as this one of Mr. Cook's acts, which has been loudly denounced, it is proper he should be heard in his defense, and in his own words. The following extracts, it is thought, will place this subject in a proper light, and enable the reader to form an opinion as to the propriety of the course he saw fit to adopt.

* * * "When," said Mr. C., "he first arrived at Washington, he, for the first time, met the objection which was now urged against the constitution of Missouri; and, perhaps, under the influence of a strong anxiety for her admission, had examined the question, as he thought, thoroughly, and for a considerable time saw no reason to change his determination. Under the conviction produced by that examination, he had, as he hoped he always should do, fearlessly expressed his opinion in favor of her admission. He even now, notwithstanding his opinion was changed, freely declared that all his predilections were in favor of such a vote. Missouri, he said, was the near adjoining neighbor of Illinois, and notwithstanding an unhappy difference of opinion upon political subjects had created between their respective citizens, a rancor and animosity,

which he well knew the vote he was about to give would not in the least allay — a vote, at which, he also knew, many of his constituents would be greatly disturbed when they heard of it, yet he should be glad to see her admitted and placed upon an equal footing with the State he had the honor to represent.

* * * "In order to be a State in the Union, or to be entitled to become such, he considered it an indispensable pre-requisite, on her part, to form a Constitution in conformity to the principles of the Federal Constitution, and in conformity to the conditions presented by the act, in virtue of which her Constitution, upon its face, professed to have been formed. That she had *not* formed such a Constitution, he thought was fairly deducible from the argument he was about to make.

"The Constitution of the United States, said he, gives to 'Congress the power to *dispose* of, and make all needful rules and regulations respecting the *territory* and other property of the United States.' This, said Mr. C., is a general power; and in its exercise, he apprehended that Congress had a right to dispose of that *territory* to whomsoever they pleased. He said it had been admitted by gentlemen on both sides of the question, that free negroes and mulattoes were competent to hold real estate; and that they did hold it in almost, if not quite, every State in the Union. They are, therefore, competent, he observed, upon the admission of all parties, to purchase such estate from the United States. But the Constitution of Missouri declares, 'that it shall be the duty of the Legislature, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to and settling in that State, under any pretense whatsoever;' a provision, said he, which, notwithstanding their competency to purchase, and the indisputable power of Congress to sell to them, clearly asserts a controlling power over the rights of these individuals, and the paramount authority of Congress. * * * * Mr. C. said there was another view of that clause of the Missouri Constitution, under which it seemed still more obviously in violation of the Federal Constitution. Congress, he said, by virtue of the general power which it possessed to dispose of the territory of the United States, for the purpose of obtaining the military services of persons,

as well of this as every other description, had offered them a land bounty, to many of whom, and embracing free negroes and mulattoes, patents had already been issued for lands in Missouri. He said persons of this description, to his own knowledge, had purchased land in Illinois, and he had no doubt such was the case in Missouri. Whether they had or not, however, did not vary the case—the principle was the same. In the soldier, as well as the purchaser, therefore, he begged leave to say, the Government of the United States vested *a fee simple estate* in those lands. This title he considered to consist of the possession, the right of possession and the right of property—and he thought, when he asserted that the Government had guaranteed all these features of the right which it vested both in the soldier and the purchaser, that no honorable member would hazard a denial of that assertion. Under this guaranty, he contended the United States incompetent, unless for public purposes, and then only by paying a fair equivalent therefor, to deprive them of this property. And yet Missouri, through a subordinate Legislature, if her Constitution be allowed to operate, does virtually take it away without paying any equivalent whatever; for if a person be not allowed to enjoy the possession of his property, he is virtually deprived of it.

"But the United States are bound, both to the soldier and purchaser, to protect him in the enjoyment of his property. It constitutes, by every principle of law and reason, a part of the original contract. The Government, for this obligation, has received a full consideration, and yet Missouri, in direct violation of that provision of the Federal Constitution which forbids any State to pass any '*ex post facto* law, or law impairing the obligation of contracts,' has virtually provided that those contracts which have been completed by the issuing of patents, shall, by the *ex post facto* operation of her Constitution, be annulled, and the force of the contract wholly impaired; and, by its prospective operation, as virtually impairs the obligation of those contracts which are as yet executory for the want of patents.

* * * "Mr. C. repeated that his feelings were in favor of the admission of Missouri—that both personal and political reasons combined to render it a desirable event—and were it consistent with his sense of the duty which he

owed to the country and the Constitution, to give such a vote upon the resolution under consideration, he was sure no member on that floor would do it with more pleasure. But while he considered the Constitution the rock upon which our temple of liberty must stand, and having sworn to support it, he felt himself called upon to forego all such considerations, and defend it against infringement. Should we suffer, said Mr. C., our individual feelings and wishes to enter into our deliberations and discussions, so far as to govern our public conduct, those feelings and wishes, like the imperceptible rising of the tide, will finally run over every principle of the Constitution, and we shall ultimately find ourselves floating at large upon the open sea of uncertainty, without a single landmark to guide us."

In the summer of 1821, Mr. COOK was united in marriage with Miss JULIA EDWARDS, the eldest daughter of the late Governor EDWARDS, a young lady of great personal charms and finished education—and in all respects fitted to be the companion of a statesman who bid so fair to attain high and commanding positions in the councils of the nation. Mrs. COOK survived her husband about three years, and died at Bellville in the year 1830.

At the general election of 1822, Mr. MCLEAN again run as a candidate for Congress, against Mr. COOK. His hopes of success were, doubtless, predicated upon the "noise and confusion" consequent upon Mr. C.'s vote upon the Missouri question. So great was the clamor of interested partisans, that, at the commencement of the canvass, the chances of the respective candidates appeared to be nearly equal. In its progress, Mr. C. satisfied the people of at least the honesty of his intention in giving this vote, if not the propriety of the vote itself. His constituents triumphantly sustained him, giving him forty-seven hundred and sixty-four votes, and Mr. MCLEAN thirty-eight hundred and eleven—a majority of nine hundred and fifty-three.

The project of a canal, to unite the Illinois River with Lake Michigan, was started soon after the organization of

the State Government. The Legislature of 1820–21 took initiatory steps in this matter, and it was brought before Congress by a report from the topographical corps, giving the results of a partial survey, and demonstrating its practicability. The canal project was a popular one in the eastern and western part of the State (there was no north at that period), and was opposed by representatives from the southern counties. Indeed, it found some opposition in the then great counties of Madison and St. Clair, growing out of sectional prejudices; for a senator from one of those counties, in the Legislature of 1822–3, opposed it upon the ground that it would be an inlet for hordes of "blue-bellied Yankees," as he termed our eastern people.* The fears of that senator have been realized—and the results are the extensive commerce of our lakes, our rich and populous north, and our young and enterprising cities, teeming with life, activity, and business.

In 1822 this subject was brought directly before Congress. Mr. Cook labored to secure such aid from the General Government as would enable the State to prosecute this important work. He asked for bread, and received a stone. The utmost extension of Congressional liberality, was a grant of a strip of land ninety feet wide, through the public domain, from the Illinois river to the Lake; and lest, by any means, the Congress of the United States, after such a *munificent* grant, should be further committed, a saving proviso was

* To defeat or embarrass the canal bill, then before the Legislature, the Senator from *St. Clair* introduced a bill to drain certain lakes in the American bottom, alleged to be injurious to the health of the people in their localities. In committee of the whole, the friends of the canal were adroit enough to include in the bill, by the aid of southern senators, almost every inconsiderable pond in what would now be called southern Illinois. Having thus loaded it to its utmost capacity, an amendment was proposed, by a canal man, to appropriate some thousand dollars *to drain Lake Michigan*, which also was incorporated into the bill. This was a *little* more than bargained for by the senator, and he was compelled to aid in the destruction of his own bantling.

added, that the United States should in no wise become liable for any expense incurred by the State in "surveying or opening said canal."

In the intervening years, from 1822 to 1827, Mr. Cook urged this measure in Congress, as a national work, in which other States were as directly interested as his own, and affording to Government, in time of war, great facilities in the movement of troops and transportation of stores. The result of his labors was the passage of the act of 1827 (the last session of his congressional career), granting in fee simple, to the State, and without any reservation, the alternate five sections upon each side of the canal, amounting to more than three hundred thousand acres of land, and embracing the site of the City of Chicago. This act was worthy of a Congress representing a great nation, and is wonderfully in contrast with that of 1822. But its greater and more enduring value was the precedent for future grants, embracing that for railroad purposes, the effect of which we now feel in the enhancement of the value of property, the increase of business, and the general prosperity of the State.

Upon the passage of the canal bill, that great and long desired improvement was considered as "a fixed fact," and the northern part of the State soon began to be settled by an enterprising class of people. It was not commenced until 1836, and under many difficulties and adverse circumstances was not completed until 1848.

The proposed National Road, intended to have been built by Congress, from Washington through the several seats of governments of the western States, excited great interest in the middle and eastern parts of the State. At this time, the road (a perfectly Macadamized one) had been completed nearly to Wheeling, Va., upon its way to Columbus, O. It was a splendid undertaking on the part of the National Government, and, in the absence of railroads, would have been a very important and desirable improvement.

Mr. Cook urged appropriations to continue the surveys westward of Columbus, through Indiana and Illinois, to St. Louis. He succeeded to such an extent that the line of the road was located to Vandalia, in this State, the streams bridged, and the road partially graded. Before this great thoroughfare was fully completed, even as far west as the seat of government of Ohio, its use was suspended by the construction of railway lines, so much in advance of the best constructed carriage roads, that, by universal consent, the work was abandoned, and the portions finished and unfinished conveyed to the several States through which it run. Though never completed, enough work was done on that part of the road passing through this State, to render it useful to those residing in its vicinity, and to the public generally. Extensive and durable structures were thrown over all the streams it crossed, the low bottom lands raised to the proper grade, and the wet ground thrown up, so that a line of stages was put upon the road in 1837, and continued thereon to this day.

At the general election in 1824, Mr. C. was again a candidate for reëlection to Congress. His uniform success and his great popularity rendered him a formidable competitor. None of his political adversaries were very desirous to enter the lists against him. He had twice beaten Mr. McLean, one of the strongest men in the opposition, and almost distanced the real leader of the Bond party, Mr. Kane. It was thought necessary, however, to preserve the integrity of the party, to bring out a candidate against him in the person of Gov. Bond, the ostensible head, who, two years before, had vacated the gubernatorial chair. This latter gentleman had spent the most of his life in the Territory and State, residing, until elected Governor, in the present County of Monroe. He was a man possessed of strong natural abilities, but little improved by education. He stood deservedly high in the community, and in his administration of the

State Government, there was nothing particularly worthy of condemnation, unless that in his appointments to office his political friends, sometimes not the most capable, were the general recipients of gubernatorial favors.

Gov. BOND, though far behind Mr. MCLEAN in talents and oratorical powers, had this advantage over him, in that by a judicious bestowment of his patronage, he had created many political friends, who were bound to do battle in his behalf, and expend their energies, influence and time in securing his election. It was apparently the last card that could be played against Mr. C., and like desperate gamesters, a disposition was evinced to risk all upon the stake. A presidential election was also in progress, which might pass into the House of Representatives, and vest the vote of the State in its single representative. The Governor and his friends took great interest in the success of Mr. CRAWFORD, then a candidate for the Presidency, who, though a member of Mr. MONROE's Cabinet, had given evident tokens of opposition to the administration, and had created an active party of politicians, more intent, it was then believed, upon a division of the "loaves and fishes," than the promotion of the great interests of the country. Whoever Mr. C. might be *for*, in the contingency the vote came into the House, it was certain he would vote *against* Mr. CRAWFORD. Thus impelled by personal and political motives, the Governor and his friends entered warmly into the canvass, and labored zealously, but without success. The vote for Mr. COOK was 7,460, while Gov. BOND received only 4,374.

It is well known that the presidential contest of 1824 resulted in the failure of the people to unite a majority of votes upon either of the four presidential candidates* before them. The question was therefore determined in the House of Representatives, and the vote of Illinois was given by Mr. COOK to Mr. ADAMS.

* MESSRS. ADAMS, JACKSON, CLAY, and CRAWFORD.

It is natural for those disappointed in their political aspirations, either by their own defeat or that of their favorite candidate, and the consequent loss of power and office in expectancy, to give vent to their wounded feelings and crushed hopes. Mr. C. had reason to expect that so important a vote as he gave, upon this occasion, would not escape notice or animadversion. Nor was he disappointed in this regard, for he was charged with betraying his constituents; of violating his pledges given at a previous election; and having basely sold his vote for office. It is, therefore, due to his memory, that this matter should be placed in a proper light, and facts substituted for reckless assertions—the more especially as, at a subsequent election, he was beaten for Congress, thus giving some *color* to the charges preferred against him.

The Electoral College of this State, in December, 1824, gave two votes to Gen. Jackson, and one to Mr. Adams;* and as Mr. C., when before the people, in the summer of that year, had promised to be governed by the expressed will of his constituents at the November election for Electors, it was claimed, that as Gen. Jackson had obtained two electoral votes, he was therefore entitled to the vote of the State in Congress. The fallacy of this assumption is a misunderstanding or a misrepresentation of Mr. C.'s pledge. He was too wise a man to make such a promise as would trammel his action in any given state of the electoral vote; for he well knew that though a large majority of the people might favor the pretensions of one candidate, yet, by the division of the electoral districts, a comparatively small minority might secure the election of two electors, who would give their votes in opposition to the will of that majority.

What was the *promise* made by Mr. C. in relation to his vote in Congress? is the first question to be determined. It

* The Presidential vote, in 1824, was given by districts, the State being divided into three.

is contained in an address to his constituents, dated May 30th, 1824, and is in these words:

"On the subject of the approaching election of a Chief Magistrate of this country, inasmuch as it has become fashionable* for members of Congress to endeavor to dictate to their constituents for whom they shall vote, you probably may expect me to say something. Influenced by the principles which govern me as your representative, I do not consider it my duty to attempt such dictation. You are as much interested as I can be in making a judicious choice. It is over your interests, as well as mine, that he is to preside. To each of you, therefore, as well as to me, it belongs to make a free and voluntary choice for yourselves. In voting in my *individual* capacity as a citizen, for an elector in the district in which I reside, I shall surely vote for him who will, in the Electoral College, support the individual that I believe to be the best calculated properly and faithfully to administer the executive government. But should the electors chosen by the people fail to unite a majority of their suffrages on any individual, and thereby devolve the duty on the House of Representatives of choosing one for them, I shall feel it my duty to vote, *as a Representative*, in accordance with the *clearly expressed sense of a majority* of those whose will I shall be called upon to express. This is all I have to say on that subject."

Mr. Cook, then, was to be governed by the "clearly expressed sense of a MAJORITY OF THOSE whose will" he was called upon to declare. Not, certainly, the *will of the electors*, who were but three of the many thousands of his constituents.

The next inquiry is, was the "*sense of a majority*" of his constituents *clearly expressed*, or was it expressed at all?

At the election in August, 1824, the aggregate vote for Congressman was 11,834; and the aggregate vote upon the convention question (for this was settled at this election),

* Alluding to the nomination of Mr. CRAWFORD by eighty odd members of Congress.

was 11,612.* The aggregate vote at the election in November, for all the candidates for electors, was 4,707—making a difference of 7,127 from the highest vote given in August, and showing that that number of voters had no will to express, or were so indifferent as to the success of the presidential candidates as to fail to express it at all. But if we take the number of votes given in November, 4,707, as an expression of the will of the people, "*a clearly expressed sense of a majority*" would have required 2,354 votes to have been given to one of the candidates, to have brought him within the rule laid down by Mr. C. for his future action. Did any one of the candidates receive that number of votes?

Of the clear and undisputed votes given upon that occasion, Mr. ADAMS, through his electors, received 1,541; Gen. JACKSON 1,273; Mr. CLAY 1,046; and Mr. CRAWFORD 218. There were also given at that election, for JAMES TURNEY, Esq., who run in the first district, professedly for CLAY and JACKSON, 629 votes. If Mr. TURNEY, and those who voted for him, were sincere in their preference for either CLAY or JACKSON, in such a calculation as the present one, it would be but fair to divide these votes between those gentlemen, increasing Gen. JACKSON's vote (giving him the odd one) to 1,588, and Mr. CLAY's to 1,360; but giving Gen. JACKSON *all* of TURNEY's vote, it would amount to but 1,901, leaving him in a minority of 453 votes.†

But it was contended at the time, that Mr. TURNEY's candidacy, though ostensibly for JACKSON and CLAY, was really for Mr. CRAWFORD. It was well understood that Mr. ADAMS' strength was mainly in the first district, embracing Fayette County on the south, and Sangamon on the north, and that

* The vote upon the convention question was, For—4,972; Against—6,640.

† Gov. REYNOLDS, in his Life and Times, p. 254, says Mr. COOK promised to "give the vote of the State for the presidential candidate who received from the people the most votes throughout the State." Comparing this *dictum* with Mr. COOK's address, shows that the Governor sometimes writes *ad libitum*.

no honest voting could prevent him from obtaining the electoral vote of that district. The friends of Mr. Clay and of Gen. Jackson had brought out candidates for electors in the first district for each of these gentlemen — Doct. John Todd, of Springfield, representing Mr. Clay, and Messrs. J. W. Scott and Jon. Berry, candidates for Gen. Jackson. Mr. Turney was nominated by a convention of politicians convened at Edwardsville, in October of that year, in which the principal Crawford men of the first district figured. The following is a part of one of the resolutions adopted at that meeting, disclosing, to some extent, the object desired to be obtained: "And this meeting, reposing their full confidence in the well-known republican principles and character of James Turney, Esq., the Attorney General of this State, do earnestly recommend him to the democratic republican citizens of this district, as a suitable person to be supported at the ensuing election, as an elector, whom the friends of Henry Clay and Andrew Jackson ought to support with the fullest confidence that he will, in the Electoral College, '*vote* [not for either Clay or Jackson, but] *for the one who, at the time of voting, will seem most likely to succeed against Mr. Adams.*'"

That part of the resolution italicised was evidently intended to pave the way for a vote for Mr. Crawford, if he was the one "most likely to succeed against Mr. Adams."

It was a notorious fact, that in the first district Mr. Crawford had many strong and influential supporters, especially among the politicians* of that day; for, in addition to his supposed strong bias to recreate a new political party proper, it was deemed certain, from his appointments, as Secretary of the Treasury, that the patronage of his administration would flow through the Gov. Bond party channel, and that

* Among these were the Hon. Jesse B. Thomas, then one of our Senators in Congress, Hon. T. W. Smith, late one of the Judges of the Supreme Court, Emanuel J. West, and others.

those who gathered under the Bond banner would be the recipients of the many offices in the gift of the President. Notwithstanding, it was not considered politic by the leaders of that party to run a candidate in the first district for their chief, or make any open demonstration in his favor.* The *true* friends of Mr. Clay and Gen. Jackson would have been slow to complicate the chances of *either*, by bringing out a candidate to run for *both*, while each had separate candidates in the field. The inference is considered a fair one, that Mr. Turney was brought before the people by the Crawford party, either to secure a vote for Mr. Crawford, or lay the foundation for future attacks upon Mr. Cook, should he be called upon to vote in Congress for any of the presidential aspirants, and especially for Mr. Adams, whom he was known to favor.

It is conceded that, *after* the election, in January, 1825, Mr. Turney made a publication in one of the newspapers of the day, that, if elected, he should have given the electoral vote to Gen. Jackson. And no doubt he then would; for at the date of his publication, and, indeed, for some time before, the votes of the States had been ascertained, and though Mr. Crawford was, with Mr. Adams and Gen. Jackson, returned to the House of Representatives, they having the highest electoral vote, yet public sentiment had narrowed the contest to these latter gentlemen, and Mr. Crawford was virtually out of the question. Had Mr. Turney been as free to declare his preferences in October as he was in the following January, after the attempted election by the people was over, all doubts in relation to the views of those who voted for him would have been removed, and the question would have been one of figures only.†

* Samuel Allen offered himself as a candidate for Mr. Crawford, and received one vote only.

† "Keep dark, Boone," was a common slang expression, and will be familiar to the older residents of the State. It originated from Mr. Turney's course in this election.

It may, therefore, be safely said, that Mr. Cook, in giving his vote for Mr. Adams, violated no pledge previously given, nor did he act in opposition to the will of his constituents, as declared at the November election. The whole subject was referred to the people. They determined nothing. He was, therefore, left free to exercise his own judgment, and to vote for the man who, in his opinion, would best execute the functions of the Presidential office. If the doctrine of pluralities was to guide him, he was bound to vote as he did—Mr. Adams stood highest. His vote was clear and undisputed—that given to Gen. Jackson was complicated and doubtful. And was not the comparatively high vote given to Mr. Clay worthy of consideration in forming an opinion of the "sense of a majority" of the voters? If one vote might be transferred to another, was not the "elective affinity" of Clay and Adams stronger than that of Clay and Jackson?

It must also be remembered that, in 1825, Gen. Jackson was a new man for the Presidency. Though he had developed extraordinary military talents, his capacity for the civil administration of the government was yet untried and uncertain, and by many doubted. He certainly was not *then* the Gen. Jackson of 1832. Mr. Adams, on the other hand, had been educated as a statesman. The great powers of his mind were understood and acknowledged; and, from former precedent, from the days of Jefferson, as Secretary of State, "he was the presumptive heir to the succession." Under all these circumstances, the error of Mr. Cook, if error at all, must be accounted as only venial, an error of the judgment, and not of the heart.*

* List of candidates for Electors, in 1824, as announced in the papers of that day:

For Henry Clay—Doct. John Todd, 1st Dist.; James Gray and Samuel H. Clubb, 2d Dist.; William H. Bradsby and H. B. Jones, 3d Dist.

For John Quincy Adams—William H. Harrison, 1st Dist.; Leonard White, 2d Dist.; Col. Pierre Menard, 3d Dist.

The last of the charges intimated, viz.: That Mr. Cook sold his vote for office, is sufficiently answered by the fact,

For Gen. Jackson—Jon. Berry and J. W. Scott, 1st Dist.; Henry Eddy, J. M. Street, A. Ramsey and Daniel Boatright, 2d Dist.; A. P. Field and James S. Smith, 3d Dist.

For Mr. Crawford—A. G. S. Wight, 1st Dist.; Wm. M. Alexander, 3d Dist.

For Jackson and Clay—James Turney.

The following shows the Vote, at the November Election, for Electors for President, in 1824:

First District.

Counties.	Harrison.	Scott.	Turney.	Berry.	Todd.	Allen.
Pike	193	6	1			
Fulton	27	1	4	7	4	
Sangamon	125	17	9	20	123	
Morgan	86	12	21	3	11	
Fayette	38		45		12	
Greene	85		214	1	8	
Madison	243	5	198	1	49	
St. Clair	170		104	6	119	1
Bond	75	10	13	13	6	
Montgomery	21		13	7	11	
Total	1063	51	629	58	343	1

Second District.

Counties	Eddy.	Gray.	White.	Clubb.	Boatright.	Street.
Wayne	62	18	6			
Lawrence	31	65	16			
Gallatin	199	41	47	1	1	28
Crawford	64	64	18			
White	111	129	58			30
Hamilton	36	25	4			6
Clark	1	5	13			
Edgar	37	26	34			
Edwards	55	103	29		5	
Total	596	476	225	1	6	64

Third District.

Counties.	Field.	Menard.	Jones.	Alexander.	Bradsby.
Pope	41	11	32		
Monroe	2	35		11	30
Randolph	47	149	2	177	12
Jackson	46	6		7	39
Union	153	15		3	10
Alexander	28	3			1
Johnson	40	2			4
Franklin	49	1		5	9
Jefferson	62	1		1	9
Washington	29	30		14	79
Total	497	253	34	218	193

Recapitulation.

	Adams.	Jackson.	Clay.	Crawford.	Clay and Jackson, (Turney.)
1st Dist...	1063	109	343		629
2d Dist...	225	667	476		
3d Dist...	253	497	227	218	
Total...	1541	1273	1046	218	629

that Mr. C. neither sought nor received any post of honor or profit from the new administration. Had his valuable life been spared, it is hardly possible that a man of his industry and commanding talents could have remained long in private life. His views for the future were disclosed in in the following extract of a letter to the writer of this article, dated April, 1827: "Of the proceedings of Congress, it is not necessary to say anything. You are already informed of all that has been done. Whatever of censure or credit I may be entitled, I leave to the calm decision of the people; and when they shall make that decision, with the knowledge of all the facts connected with each act, I shall not quarrel with them for it. But I am now on a tour to recover my health, if possible—and it may be that the voice of praise or censure will be alike unheard by me, before any opinion shall be formed. The probability of such a result, however, does not repress the hope that I may yet pass, with the people of the State, through many changes of increasing prosperity; and finally, before the curtain be drawn, see Illinois what even in one man's life she may be, and what my feeble exertions have always aimed to aid in making her.

"Should I recover my health, so as to feel able to embark in the business of my profession, or any other business for which I am qualified, within a few months, I shall return to the State. But should it continue feeble, and yet improve, as I hope it will, in the mild and genial climate of Cuba, the place of my destination, I shall probably remain there a year or two, or till, at least, I have fairly tested its virtues."

Mr. Cook was a candidate for reëlection to Congress in 1826. His old opponents would, doubtless, have suffered this election to go by default. No candidate was brought forward to oppose him. In the course of the summer the people of the State were astonished at the *temerity* of a

young gentleman, then but little known, in announcing himself as a competitor with Mr. Cook for this office.

Gen. Joseph Duncan was then a resident of Jackson County, and engaged in mercantile business. He had served in the regular army as a Lieutenant, in the war of 1812, and had acquired some distinction in the humble post he occupied. He had also been a member of the Senate of this State, from the county of his residence, and probably held that office at the time he announced himself for Congress. He was, however, but little known beyond the few counties adjacent to Jackson, and no one, at the time, supposed he was fitted, either by education or experience, to exercise the duties of the office to which he aspired. His chances of success were apparently hopeless; and, it is supposed, that a betting man, at that period, would not have risked one to one hundred dollars upon his election. He canvassed the State, however, with diligence and assiduity, and presented as bold a front as if assured of success. He was unaccustomed to public speaking, and in this respect, compared very disadvantageously with Mr. Cook. Yet he had the faculty of presenting his ideas in a plain and simple way, easily understood by the masses, and to a great extent effective in such a population as then constituted the State.

The old opponents of Mr. Cook, of course, united upon him. As a candidate, he was a perfect god-send to them. If he failed in his election, it would be attributed not to the weakness of the party, but to the absence of all claims on the part of Gen. Duncan to such a position. To these were added the real friends of Gen. Jackson, who were dissatisfied with Mr. C. for his vote in Congress. Gen. Duncan received 6,321 votes, and Mr. Cook but 5,680.

No event excited greater surprise and amazement than the result of this election—it was totally unexpected to friends and foes. It may be safely said, that if an election could have been held immediately after the result was

known, the vote would have been materially changed. "We did not intend," was a very common remark, "to beat little Cook, but so to lessen his majority as make him feel his dependence upon us." It is but just to Gen. Duncan to say, that his constituents were happily disappointed, in his subsequent development of talents and tact, rendering him a worthy successor to our second representative.*

It may be confidently asserted, that Mr. Cook's defeat was not attributable to his vote upon the Presidential question. The small majority of 641 obtained by Gen. Duncan would indicate this fact. For if, as contended by many at that day, the choice of two electors for Gen. Jackson determined the political character of the State, a much larger majority would have attended Gen. Duncan's election. Taking, however, the votes cast for electors in 1824, as a test of the sentiments of the people, had the election of 1826 turned upon the Presidential question, it will be seen, that by adding the vote given to Mr. Clay, 1046 (nearly equal to that given to Gen. Jackson), to Mr. Adams' vote, 1541, Mr. Cook ought, upon this issue, to have received a majority as 2,587 is to 4,707, or over four-sevenths of the vote cast, giving to his opponent the excess of votes, 167, over the votes given for Congressmen in 1824.

Matters of interest in Congress, connected with this State, have been briefly intimated in the foregoing pages. At the commencement of the session of 1825–6, Mr. C. was transferred from the Committee on the Public Lands, to that of the Committee of Ways and Means. The late Mr. McLane, of Delaware, was chairman of that committee, and the name of Mr. C. was the second on the list of members. During the whole of the session of 1826–7, Mr. McLane

* General Duncan remained in Congress until 1834, having been elected Governor in that year. Before this time, his original supporters had left him, and he was sustained mainly by Mr. Cook's old friends.

was absent, and the duties of chairman devolved upon Mr. Cook. It was one of his cardinal principles to do well and thoroughly whatever he attempted; and naturally inclined to overtask his physical powers, and a desire to acquit himself with honor, led him to devote the hours of rest and recreation to examination and study. Occupied during the day in explanation of the varied and important measures presented to the House through this committee, every interval of time was spent in preparation for the public conflict. His feeble frame could not long endure the vast amount of labor he performed, and the last days of his Congressional life found him confined to a sick room. At the close of the session, he embarked, as before intimated, for Cuba, trusting to recover health and strength in the mild climate of that island. The journey was a vain one—and early in the month of June, Mr. Cook returned with his family, to his home at Edwardsville. During the summer, his health gradually declined; and he determined to return to the home of his nativity, and die upon the spot that gave him birth. He breathed his last on the 16th day of October, 1827, at the early age of thirty-four, and his remains repose in the soil of his native State.

From this brief statement of some of the incidents in the life of Mr. Cook, it will be seen that he was a self-made man. Without the aid of the schools, and by the mere force of the native powers of his mind, the few brief years of his public life developed intelligence and talent of no ordinary character. His powers seemed to expand with the occasion that called them forth. His mind was active and clear, and his command of language ready and copious, so as equally to interest the scholar, and enlighten the illiterate hearer. But few men, then constituting the Congress of the United States, notwithstanding his youth, stood higher in public estimation, or were listened to with more attention and interest. His voice, though soft and melo-

dious, was of great compass and tone, equal to addresses in the open air, or in the halls of legislation.

It has been said that Mr. Cook was a popular man. His popularity was not based upon the artifices of the demagogue, or upon assumed traits of character. His urbanity of manner and gentlemanly deportment were natural and constant. No one doubted his truthfulness or sincerity, and his benevolence and kindness of heart was universally conceded. Mr. Cook's conversational powers were remarkable, and he made himself an agreeable companion with all classes of society, preserving at the same time the dignity and attributes of a well bred gentleman. In all the exciting contests through which he passed, his manner toward his opponents was such as never to disturb social relations or friendly feelings. However strong the opposition for the time being, it ceased when the conflict ended; and if defeated, they preferred Mr. Cook's success to any other political opponent. Mr. Cook was generous to a fault. He was often imposed upon by the unworthy and deceived by the recital of imaginary sufferings. His kind heart forbid the withholding of pecuniary assistance whenever demanded; and he thought it safer to err in his charities, on the wrong side, than fail to bestow them upon worthy objects.*

In his personal appearance, Mr. Cook was a small spare man, considerably under the ordinary hight. His usual weight did not, probably, exceed one hundred and twenty pounds. He was straight and erect in his person, and

* In one of his journeys to Washington, upon the Ohio river, as the steamer approached Wheeling, the point of debarkation, a well dressed person accosted Mr. C., a perfect stranger, and apologizing for his intrusion, said, "Sir, I am yet some distance from my home, and am out of money. I know no one on board the boat. I have closely scanned the countenances of my fellow passengers, and have discovered no gentleman more likely to assist me than yourself. Will you please, sir, make me a loan of $50?" "Certainly," Mr. C. immediately replied, and suiting the action to the word, opened his pocket book, and handed him the desired sum.

quick and active in his movements. His features were plain but marked—and so indicative of intelligence and kind feeling as to render them agreeable and pleasing. He left behind him but one child, a son, now a resident of the city of Springfield in this State, and late Mayor of that city.

In estimating the labors of Mr. Cook, it must be remembered, that he was virtually the first Representative in Congress after the admission of the State; and that the settlement and arrangement of the various matters contained in the act of Congress changing our territorial to a State government, devolved mainly upon him. It is believed that all questions arising out of the change, through his tact, talent and perseverance, were decided more favorably to our interests, than they probably would have been, if entrusted to other hands. Neither must it be forgotten, that in obtaining valuable concessions from the General Government, he had no precedent to urge, or land mark to guide him. It was subjecting the powers vested in Congress by the Constitution, to new tests, and applying them to new objects. It was an untried field of effort, in which every obstacle was to be overcome. The prejudice of opinion was to be combatted—and perhaps honest, but mistaken constitutional objections to be removed. To devote the public lands to any other purpose than that of replenishing the treasury, was then deemed by many a political heresy. It is now a settled principle, mainly through Mr. Cook's efforts, that the public domain is to be used for public purposes, and devoted for the promotion of the general interests of the whole people—a principle which, as we have seen, in 1827, invigorated our waning energies, and in 1851 placed us in the front ranks of the States composing our Union, and promises us a future, unless marred by our own folly or effeminacy, prolific in all the sources of material wealth, and the highest moral and christian civilization.

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